



Docket No. 066672-0019

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : George, Frank R., et al.  
Appl. No. : 10/759,526  
Filed : January 16, 2004  
Title : ELECTROMAGNETIC  
ACTIVATION OF GENE  
EXPRESSION AND CELL GROWTH

Grp./A.U. : 1645  
Examiner: : To Be Assigned

Customer No.: 41552  
Confirmation No.: 7037

CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Nov 23, 2004.

  
Sarah Nunez

**RESPONSE TO NOTICE  
OF MISSING PARTS OF APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Parts of Application dated April 23, 2004, submitted herewith are the following documents for filing in the above-referenced application:

1. Copy of Notice
2. Declaration For Patent Application (which is in compliance with 37 CFR 1.63)
3. Statement Under 37 C.F.R. 3.73(b) w/copy of Assignment
4. Power of Attorney For Patent Application by Assignee
5. Small Entity Statement
6. Request For Corrected Filing Receipt w/copy of Filing Receipt
7. 3 sheets of replacement drawings (Figs. 1, 6A and 7A)
8. Statutory Basic filing fee of \$395.00
9. Late Filing Fee Surcharge of \$65.00

10/759,526

10. Additional Claims Fee of \$950.00

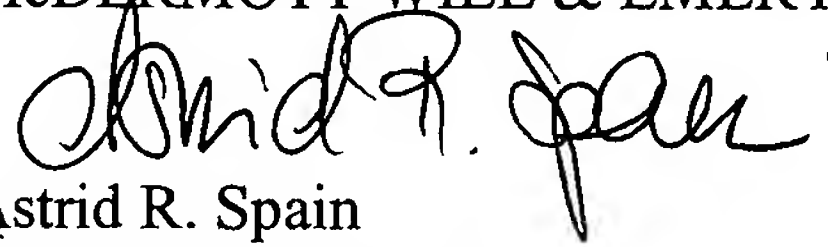
11. Petition for Extension of Time \$1,040.00

Please charge Deposit Account No. 502624 in the amount of \$2,450.00. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Astrid R. Spain

Registration No. 47,956

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**Date: November 23, 2004**

**Please recognize our Customer No. 41552  
as our correspondence address.**

11-26-04  
ITD

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/759,526	01/16/2004	Frank R. George	66672-019

CONFIRMATION NO. 7037

## FORMALITIES LETTER



\*OC000000012431211\*

Cathryn Campbell  
McDERMOTT, WILL & EMERY  
Suite 700  
4370 La Jolla Village Drive  
San Diego, CA 92122

Date Mailed: 04/23/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/29/2004 CCHAU1 00000003 502624 10759526

01 FC:2001 395.00 DA  
02 FC:2051 65.00 DA  
03 FC:2202 378.00 DA  
04 FC:2201 572.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 1,6a, 7a.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1874** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$2774** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1874**
  - **\$1118** for 13 independent claims over 3.
  - **\$756** for 42 total claims over 20.

Replies should be mailed to:    Mail Stop Missing Parts  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY